

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/003,633	MCKINNEY, JERRY L.
	Examiner	Art Unit
	Igor Borissov	3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment - After Non-Final Rejection of 05/03/2006.
2.  The allowed claim(s) is/are 1-24,27,28,30-37,39-62,64-67,69-73 and 75-80.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



IGOR N. BORISSOV  
 PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Response to Amendment***

Amendment received on 05/03/2006 is acknowledged and entered. Claims 25, 26, 38, 63, 68, 74 and 81 have been canceled. Claims 1-9, 11, 12, 14, 16, 17, 20, 27, 28, 35, 39, 49, 51, 52, 59, 60, 71, 75, 76 have been amended. Claims 1-24, 27-37, 39-62, 64-67, 69-73 and 75-80 are currently pending in the application.

### ***Claim Rejections - 35 USC § 112***

Claim Rejections under 35 USC § 112 have been withdrawn due to the applicant's amendment.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with an applicant's representative C. James Bushman (Reg. No.: 24,810) on Tuesday, July 18, 2006.

The application has been amended as follows:

### **IN THE CLAIMS**

27. (Currently Amended) A method for determining regulatory compliance of a plurality of environmental equipment systems, said environmental equipment systems being serviced by service personnel, there being a regulatory body for monitoring said plurality of environmental equipment systems, said method comprising:

creating at least one electronic connection from each of said plurality of environmental equipment systems to at least one monitoring computer positioned remotely from said plurality of environmental equipment systems;

providing at least one electrically operated first sensor at each of said plurality of environmental equipment systems to detect abnormal equipment operating conditions;

providing at least one electrically operated second sensor to detect a physical presence of said service personnel at each of said plurality of environmental equipment systems;

operatively connecting at least one transmitter to said at least one first sensor and said at least one second sensor for transmitting signals over said at least one electronic connection indicative of said abnormal equipment operating conditions and said detected physical presence to said at least one monitoring computer; and

electronically connecting between said at least one monitoring computer and at least one computer of said regulatory body for transmitting signals indicative of said abnormal equipment operating conditions and said detected physical presence; and

generating a report for said regulatory body comprising said detected physical presence at said plurality of environmental equipment systems.

29. (Cancelled)

39. (Currently Amended) A method for determining regulatory compliance of a plurality of environmental equipment systems, said environmental equipment systems being serviced by service personnel, there being a regulatory body for monitoring said plurality of environmental equipment systems, said method comprising:

electronically generating digital data by electronic sensor equipment at each of said plurality of environmental equipment systems, said electronic sensor equipment being adapted for detecting abnormal operation of environmental equipment and a physical presence of said service personnel;

electronically collecting and storing said electronically generated digital data from said plurality of environmental equipment systems;

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producing a website and posting said electronically generated digital data from said plurality of environmental equipments onto said website; and

accessing providing access to said website by said regulatory body whereby said regulatory body can determine dates of detection of said abnormal operation of said environmental equipment and said regulatory body can determine dates of detection of said physical presence of service personnel at said plurality of environmental equipment systems.

49. (Currently Amended) A method for determining regulatory compliance of a multitude of separately owned environmental equipment systems with respect to timely servicing of said multitude of separately owned environmental equipment systems, said multitude of separately owned environmental equipment systems being serviced by service personnel, said method comprising:

electronically detecting abnormal operation of environmental equipment at each of said multitude of separately owned environmental equipment systems utilizing at least one equipment malfunction sensor mounted at said multitude of separately owned environmental equipment systems;

detecting a physical presence of said service personnel at each of said multitude of separately owned environmental equipment systems utilizing at least one service personnel presence sensor;

electronically utilizing at least one clock to determine at least a date for said detected abnormal equipment operation and at least a date for said physical presence of said service personnel at each of said multitude of separately owned environmental equipment systems;

electronically collecting dates of detected abnormal operation and said physical presence of said service personnel at said multitude of separately owned environmental equipment systems; and

electronically generating accumulated reports relating to said operational data, said personnel data, and said clock data.

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65. (Previously Presented) A compliance system for a plurality of environmental equipment systems operable for monitoring said plurality of environmental equipment systems at a plurality of different sites and with respect to timely servicing of said plurality of environmental equipment systems by service personnel, there being at least one regulatory body for monitoring said plurality of environmental equipment systems with respect to timely servicing of said plurality of environmental equipment systems, said system comprising:

environmental equipment installed at each of said plurality of environmental equipment systems;

a first electronic sensor for detecting abnormal operation of said environmental equipment installed at each of said plurality of environmental equipment systems;

a second electronic sensor adapted to verify a physical presence of service personnel at each of said plurality of environmental equipment systems; and

at least one processor configured for collecting and storing data comprising dates of said detected abnormal operation and dates of said physical presence of said service personnel at each of said plurality of environmental equipment systems, said at least one processor comprising at least one storage element, said at least one processor being further configured for communicating said data from said at least one data storage element to at least one computer of said regulatory body for determining whether said plurality of environmental equipment systems are timely serviced.

~~a computer network, said computer network being operable for communicating said data from at least one data storage elements to at least one computer of said regulatory body.~~

71. (Currently Amended) The compliance system of claim 65, further comprising at least one network server programmed for generating a website and for posting onto said website said data comprising dates of said detected abnormal operation and dates of said physical presence of said service personnel at each of said plurality of environmental equipment systems, said at least one network server being configured for

responding to inquiries from ~~for providing access to~~ said at least one computer of said regulatory body.

72. (Previously Presented) The compliance system of claim 71, wherein said website comprises selectable options for generating noncompliance reports that show noncompliance with scheduled inspection requirements and timely repair requirements for said plurality of environmental equipment systems.

### ***Allowable Subject Matter***

Claims 1-24, 27, 28, 30-37, 39-62, 64-67, 69-73 and 75-80 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent Claims 1, 12, 20, 27, 39, 49, 58, 65 and 75, the best prior art

Carmody teaches a method and system for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising: providing a third-party system which provides services related to the monitoring and reporting operational equipment status of a plurality of wastewater treatment systems; electronically monitoring for operational equipment status of a plurality of wastewater treatment systems; electronically notifying, via a web site, service companies of operational problems detected at each of said plurality of wastewater treatment systems; setting up an appointment for service personnel; determining a date and time associated with service conducted by service personnel at each of said plurality of wastewater treatment systems; generating a report for said regulatory (governmental) entity related to compliance with said scheduled inspection and timely repairs for each of said plurality of wastewater treatment systems based on said inspection data, said operational data, and said time data; wherein said report is generated by utilizing said website.

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Carmody does not specifically teach electronically detecting a physical presence or a physical absence of service personnel at each of said plurality of wastewater treatment systems; and producing digital data representative of said physical presence or physical absence of said service personnel as a result of said step of electronically detecting a physical presence or a physical absence of service personnel.

Witts teaches a method and system for monitoring time spent by employees in an industrial establishment, including providing, in proximity to an industrial establishment, an electronic reader for generating electronic data representing working time of employees in said industrial establishment (C. 2, L. 35-58).

However, there is no motivation to combine the references.

The best foreign art, JP54156399 to JIN, KATSUYUKI, while teaching monitoring a physical presence of personnel, fails to disclose conducting said monitoring in wastewater treatment environment.

The best non-patent literature, Cambell Scientific, Inc.: CR10X Measurement and Control System, while disclosing a method and system of remote monitoring of equipment, fails to disclose detecting a physical presence or a physical absence of service personnel at each of a plurality of wastewater treatment systems.

The remaining dependent Claims are considered allowable, as they are dependent and based off of an allowable independent Claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB  
07/19/2006



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